

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Motion DENIED
IT IS SO ORDERED.
s/ Dan A. Polster
U.S. District Judge
7/31/2018

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|------------------------------|---|------------------------|
| _____ |) | MDL 2804 |
| IN RE: NATIONAL PRESCRIPTION |) | |
| OPIATE LITIGATION |) | CASE NO.: 1:17-MD-2804 |
| |) | |
| THIS DOCUMENT RELATES TO: |) | JUDGE DAN A. POLSTER |
| |) | |
| ALL CASES |) | |
| _____ |) | |

**MOTION FOR LEAVE TO FILE MSP PLAINTIFFS' MOTION FOR
APPOINTMENT TO A POSITION ON THE PLAINTIFFS' EXECUTIVE COMMITTEE**

Plaintiffs, MSP Recovery Claims, Series LLC, MSPA Claims 1, LLC and MAO-MSO Recovery II, LLC (collectively, "the MSP Plaintiffs"), on behalf of themselves and a class of similarly-situated entities and their assignees, by and through undersigned counsel, respectfully move for leave to file a Motion for Appointment to a Position on the Plaintiffs' Executive Committee. In support, the MSP Plaintiffs state as follows:

1. The MSP Plaintiffs filed two separate, but similar, class action complaints that are now pending before this Court: *MSP Recovery Claims, Series LLC v. Purdue Pharma, L.P., et al.*, Case No.: 1:18-OP-45091 (N.D. Ohio); and *MSPA Claims 1, LLC, et al. v. Anda, Inc., et al.*, Case No.: 1:18-OP-45526 (N.D. Ohio). The MSP Plaintiffs and putative class members have the unique position of being "**payors of last resort**" in that they stand in the same shoes as their respective state Medicaid agencies ("PLR Class").¹ This class of Plaintiffs may be the largest in the litigation,

¹ Medicaid, as used herein, means the joint federal-state medical assistance program authorized by Title XIX of the Social Security Act, 42 U.S.C. § 1396, et seq. Under the federal scheme, Medicaid is intended to be the "payor of last resort." See Federal Register, Vol. 81, No. 88, 27498 through 27901, 27769 (May 6, 2016). Title XIX of the Act requires state Medicaid agencies to identify and seek payment from liable third parties, before billing Medicaid.